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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/081,446	02/20/2002	James M. Clauss	109859-130053	3040

25943 7590 01/30/2004

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EXAMINER

BADERMAN, SCOTT T

ART UNIT	PAPER NUMBER
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2113

DATE MAILED: 01/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/081,446

Applicant(s)

CLAUSS ET AL.

Examiner

Scott T Baderman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 16-24, 26-34 and 36-44 are rejected under 35 U.S.C. 102(e) as being anticipated by Mueller (6,115,544).

As in claims 16, 26 and 36, Mueller discloses a method and system for generating a failure indication upon encountering a failure during an operation performed for a user design (i.e., during program development) (Abstract, column 1: lines 10-13, column 3: lines 25-34), and automatically facilitating a user in determining a location of the failure and determining a solution for the failure (column 1: lines 46-47, column 2: lines 6-28, column 3: lines 25-48, column 5: lines 58-60).

As in claims 17, 27 and 37, Mueller discloses encountering an occurrence of one or more software events (i.e., after a parse or during a compilation) that are to result in at least one of an

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error and a warning (column 1: line 65 – column 2: line 2, column 4: lines 48-62, column 5: lines 58-60).

As in claims 18, 28 and 38, Mueller discloses generating and displaying a user interface (error list) having a title indicative of the operation during which operation the failure was encountered (i.e., after parsing or during compilation, a specific file's name can be displayed as having errors) (Figures 2 and 3, column 3: lines 17-30, column 4: line 15 – column 5: line 27, column 7: lines 1-7).

As in claims 19, 29 and 39, Mueller discloses generating and displaying one or more expandable error messages (Figure 3, column 6: lines 42-46, column 7: lines 1-13).

As in claims 20, 30 and 40, Mueller discloses generating and displaying one or more error messages in a hierarchical manner (i.e., based on the severity of the message) (column 4: lines 48-62).

As in claims 21, 31 and 41, Mueller discloses facilitating receiving an indication of *at least one of* editing, canceling, and accepting the failure (Abstract, column 2: lines 13-18, column 3: lines 37-41, column 7: lines 14-18).

As in claims 22, 32 and 42, Mueller discloses generating and displaying a message having a suggestion for solving the failure (i.e., by displaying specific errors associated with

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specific files allows the user to determine where the specific errors occur, and therefore take action to recover from the error (e.g., by editing)) (column 2: lines 6-15, column 7: lines 1-7). It is noted, that by interpreting the limitation “displaying a message having a suggestion for solving the failure” like that above is consistent with the specification of the instant application.

As in claims 23, 24, 33, 34, 43 and 44, Mueller discloses visually indicating a portion of the user design associated with the failure, wherein the visually indicating comprises highlighting the portion of the user design associated with the failure (column 3: lines 31-34, column 4: lines 19-22 and 48-62).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25, 35 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mueller.

As in claims 25, 35 and 45, Mueller discloses the visually indicating process above. Mueller further discloses that errors can be distinguished by generating and displaying a graphical representation of a “stop sign” or “yield sign” (column 5: lines 30-45). However,

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Mueller does not specifically disclose generating and displaying a graphical representation of a light bulb.

It would have been obvious to a person skilled in the art at the time the invention was made to include generating and displaying a graphical representation of a light bulb into the system taught by Mueller above. This would have been obvious because Mueller clearly teaches that graphical representations (or icons) which suggest or imply further meaning into what they represent (e.g., a stop sign for fatal errors) can be used (column 5: lines 30-45). This would have suggested to a person skilled in the art that other graphical representations (or icons) (e.g., a light bulb) could also be incorporated into the system taught by Mueller above and have a similar meaning without affecting the overall operation of Mueller.

Response to Arguments

5. Applicant's arguments filed August 28, 2003 have been fully considered but they are not persuasive.

With respect to claims 16, 26 and 36, the Applicant argues that Mueller does not "facilitate determining a solution to the failure." The Examiner respectfully disagrees. Mueller clearly teaches that in response to displaying the location of an error, the user will be able to "edit" the source code to correct the error (column 1: lines 46-47, column 2: lines 6-21, column 3: lines 25-49). This teaching, at the very least, implies that Mueller displays the error for the purpose of allowing a user to correct (edit) the error. Based on this, the Examiner believes that the operation taught by Mueller above clearly "facilitates a user in determining a solution for the

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failure.” The displaying of the error provides this facilitation. That is, by displaying the error, allows the user to then determine (provide) a solution.

Conclusion

6. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott T Baderman whose telephone number is (703) 305-4644. The examiner can normally be reached on Monday-Friday, 6:45 AM-4:15 PM, first Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Robert Beausoliel can be reached on (703) 305-9713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'S. Baderman', with a long horizontal flourish extending to the right.

Scott T Baderman
Primary Examiner
Art Unit 2184

STB